

REMARKS

The Applicant respectfully requests further examination and reconsideration in view of the remarks below. Previously, Claims 1-15 were pending in the application. Claims 1-15 were rejected. By the above amendment, Claims 6, 10, 13 and 15 have been amended. Accordingly Claims 1-15 are pending.

Specification Objections

The specification of the disclosure was objected to because of the following informalities: “on page 5, line 20 ‘510’ it appears should be --560-- and on page 6, line 4 ‘610’ it appears should be --510--.” By the above amendments to the specification, the specification has been amended to remove the informalities.

Claim Rejections under 35 U.S.C. § 112, ¶ 1

Claims 1-15 were rejected under 35 U.S.C. §112 , first paragraph, as failing to comply with the enablement requirement. Specifically, it is stated that the “structural details of the adjusting means that permit the windshield position to be adjusted[,] ... the manual override switch[, and] the position detection circuit are not understood.” The Applicant respectfully traverses this rejection.

The adjusting means that permit the windshield position to be adjusted

It is stated in the Office Action that the “structural details of the adjusting means that permit the windshield position to be adjusted are not understood.” The Applicant respectfully submits that the “means for automatically adjusting a position of the windshield” of Claims 1, 7, and 14 and the “method of automatically adjusting a position of a helmet windshield” of Claim 15 are supported by numerous portions of the specification. See page 2, lines 2-5, of the specification in the present application, which state, “The means for automatically adjusting can comprise a control circuit for receiving a plurality of signals to perform a Boolean operation. The control circuit comprises a three-input Boolean And gate. The position of the windshield is adjusted when the Boolean operation generates a high logic level.” The Applicant further refers to page 4, lines 20-27, and page 5, line 1, which state, “The apparatus further includes means for automatically adjusting a position of the shield 110 when a speed of the motorcycle crosses a predetermined threshold. The mean for automatically adjusting can be an automatic control system 120. The automatic control system 120, as will be explained in more detail below with the block diagram of Figure 3, can sense electromagnetic signals from an electrical device of the

motorcycle, such as a spark plug, or a device installed on the motorcycle, such as an emitter circuit, and automatically and appropriately position the shield 110 of the helmet 105, such that the shield 110 automatically opens during stopped periods and closes down during driving periods.” See also page 1, lines 23-25; page 2, lines 11-14; and page 3, lines 4-20.

The manual override switch

It is stated in the Office Action that the “structural details of the manual override switch are not understood.” By the above amendments, Claim 6 has been amended to describe a **manual override switch coupled to the helmet wherein the manual override switch overrides the means for automatically adjusting the position of the windshield** so that a user can manually adjust the windshield to a desired position. In addition, the Applicant respectfully submits that the “manual override switch” of Claims 6 and 12 are supported by numerous portions of the specification. See page 1, lines 25-26, and page 2, line 1, of the specification in the present application, which state, “The apparatus can include a manual override switch coupled to the helmet so that a user can manually adjust the windshield to a desired position.” The Applicant further refers to page 5, lines 6-9, which state, “The apparatus 100 also includes a selector switch 160, which can be a manual override switch, coupled to the helmet 105 so that a user can manually adjust the windshield 110 to a desired position or disable the invention such as during cold or inclement weather.”

The position detection circuit

It is further stated in the Office Action that the “structural details of the position detection circuit are not understood.” By the above amendments, Claim 13 has been amended to describe a **position detection circuit coupled to the control circuit** for detecting the position of the windshield and sending a detection signal to the control circuit. In addition, the Applicant respectfully submits that the “position detection circuit” of Claim 13 is supported by numerous portions of the specification. See page 5, lines 20-25, of the specification in the present application, which state, “The control system also includes a pawl release actuator 570 which is electrically coupled to the pawl and rod arrangement of Figure 2, a system activating switch 540 to provide manual override of the system 500, a position detection circuit 530 which corresponds to a current position of the windshield, and an antenna and filter circuit 510 for receiving and filtering electromagnetic signals generated from a device(s) or circuit(s) of the motorcycle.” The Applicant further refers to page 5, lines 26-27, and page 6, line 1, which state, “The system activating switch 540, the position detection circuit 530 and the antenna and filter circuit 510 can all send signals to a control circuit 550.” See also page 5, lines 25-26; page 6, lines 13-15.

Accordingly, the Applicant respectfully submits that the specification in the present application contains numerous descriptions of the matter recited in independent Claims 1, 7, 10, 14 and 15. Claims 2-6 are dependent upon the independent Claim 1. Claims 8-9 are dependent upon the independent Claim 7. Claims 11-13 are dependent upon the independent Claim 10. In view of the foregoing, the Applicant respectfully requests reconsideration and withdrawal of the §112, first paragraph, rejection of Claims 1-15.

Rejection of Claims 1-12, 14, and 15 under 35 U.S.C. § 102(b)

Claims 1-12, 14, and 15 have been rejected under 35 U.S.C. § 102(b) as being anticipated by Canadian patent CA 2,124,780 A1 to Fisk (hereinafter “Fisk”). Specifically, it is stated that “the provided helmet 12, windshield 14 and operating mechanisms as at 16, 18 equivalent to the means for automatically adjusting a position of the windshield.” Also within the Office Action, it is noted that Fisk discloses “the receiver and filter circuit as at 74 receiving signals from a device on a motorcycle and performing a Boolean operation on the signals, and the control circuit as at motor 96.” The Applicant respectfully traverses this rejection.

Fisk discloses a protective helmet having a power operated visor. The protective helmet has a visor mounted on the helmet for movement between an open position for exposing at least part of the face of a wearer of the helmet and a closed position extending across the face of a wearer. The protective helmet also has a visor operating system comprising motor means, motor actuating means, and communication means communicating between the motor actuating means and the motor means for transmitting the motor control signals from the motor actuating means to the motor means for operating the motor. The motor means is mounted on the helmet and engaged with the visor for moving the visor between open and closed positions. The motor actuating means is adapted to be **mounted at a position remote from the helmet** for selective manual actuation, generating motor control signals in response to manual actuation thereof. The motor actuating means disclosed in Fisk is a radio frequency transmitter mounted on the vehicle and controlled by a readily accessible switch, such as one located on the handlebars of a motorcycle. An encoder delivers encoded up and down signals to a transmitter which transmits the signals using an antenna. A receiver in the helmet receives the signals transmitted and causes the motor to raise or lower the visor according to the signals received. Fisk does not disclose, teach, or even suggest an apparatus comprising a helmet, a windshield coupled to the helmet, and means for **automatically adjusting a position of the windshield when a speed of a vehicle crosses a predetermined threshold value**. In fact, Fisk teaches away from the present invention because Fisk teaches a switch and transmitter system mounted on the vehicle, separate from the

protective helmet, which the user must manually operate to transmit a signal to the receiver located on the protective helmet for the motored operation of the visor.

In contrast to Fisk, the present invention discloses a mechanism and apparatus for automatically adjusting a position of a helmet windshield such that the windshield automatically opens up during stopped periods and closes down when restarting motion occurs. The apparatus comprise a helmet, a windshield coupled to the helmet, and means for **automatically adjusting a position of the windshield when a speed of a vehicle crosses a predetermined threshold value**. The present invention also discloses a manual override switch **coupled to the helmet** wherein the manual override switch overrides the means for automatically adjusting a position of the windshield so that a user can manually adjust the windshield to a desired position.

The independent Claim 1 is directed to an apparatus comprising a helmet, a windshield coupled to the helmet, and means for automatically adjusting a position of the windshield when a speed of a vehicle crosses a predetermined threshold value. As described above, Fisk does not disclose, teach, or even suggest means for automatically adjusting a position of the windshield when a speed of a vehicle crosses a predetermined threshold value. In fact, Fisk teaches away from the present invention because Fisk discloses a manually operated switch located on the vehicle, which transmits a signal to the receiver located on the protective helmet for the motored operation of the visor. For at least these reasons, the Applicant respectfully submits that the independent Claim 1 is allowable over the teachings of Fisk.

Claims 2-6 are dependent upon the independent Claim 1. As discussed above, the independent Claim 1 is allowable over Fisk. Accordingly, Claims 2-6 also are allowable as being dependent on an allowable base claim.

The independent Claim 7 is directed to a mechanism for a helmet windshield of a motorcycle, comprising means for automatically adjusting a position of the windshield when a speed of the motorcycle crosses a predetermined threshold value. As described above, Fisk does not disclose, teach, or even suggest a mechanism for a helmet windshield of a motorcycle comprising means for automatically adjusting the position of the windshield when the speed of the motorcycle crosses a predetermined threshold. In fact, Fisk teaches away from the present invention because Fisk discloses a manually operated switch located on the vehicle, which transmits a signal to the receiver located on the protective helmet for the motored operation of the visor. For at least these reasons, the Applicant respectfully submits that the independent Claim 7 is allowable over the teachings of Fisk.

Claims 8-9 are dependent upon the independent Claim 7. As discussed above, the independent Claim 7 is allowable over Fisk. Accordingly, Claims 8-9 also are allowable as being dependent on an allowable base claim.

The independent Claim 10 is directed to a motorcycle helmet windshield control system, comprising a receiver and filter circuit coupled to a motorcycle helmet having a windshield and a control circuit coupled to the receiver and filter circuit. The receiver and filter circuit receives electromagnetic signals generated by an electrical device of a motorcycle and generates electrical signals. The control circuit receives the electrical signals to perform a Boolean operation, such that a position of the windshield is automatically adjusted in response to the Boolean operation. As described above, Fisk does not disclose, teach, or even suggest a motorcycle helmet windshield control system comprising a receiver and filter circuit coupled to a motorcycle helmet and a control circuit coupled to the receiver and filter circuit, wherein the Boolean operation performed in response to received electrical signals automatically adjust the position of the windshield. In fact, Fisk teaches away from the present invention because Fisk discloses a manually operated switch located on the vehicle, which transmits a signal to the receiver located on the protective helmet for the motored operation of the visor. For at least these reasons, the Applicant respectfully submits that the independent Claim 10 is allowable over the teachings of Fisk.

Claims 11-13 are dependent upon the independent Claim 10. As discussed above, the independent Claim 10 is allowable over Fisk. Accordingly, Claims 11-13 also are allowable as being dependent on an allowable base claim.

The independent Claim 14 is directed to a method, comprising the steps of providing a helmet for use with a motorcycle, providing a windshield coupled to the helmet, and providing means for automatically adjusting a position of the windshield when the speed of the motorcycle crosses a predetermined threshold value. As described above, Fisk does not disclose, teach, or even suggest a method comprising the steps of providing a means for automatically adjusting a position of the windshield when the speed of the motorcycle crosses a predetermined threshold value. In fact, Fisk teaches away from the present invention because Fisk discloses a manually operated switch located on the vehicle, which transmits a signal to the receiver located on the protective helmet for the motored operation of the visor. For at least these reasons, the Applicant respectfully submits that the independent Claim 14 is allowable over the teachings of Fisk.

The independent Claim 15 is directed to a method of automatically adjusting a position of a helmet windshield for use with a motorcycle, the method comprising the steps of receiving electromagnetic signals generated by an electrical device of the motorcycle and generating electrical signals to perform a Boolean operation to activate a raiser motor for automatically adjusting the position of the helmet windshield in response to the Boolean operation. As described above, Fisk does not disclose, teach, or even suggest a method of automatically adjusting a position of a helmet windshield comprising the steps of receiving electromagnetic

signals generated by an electrical device of the motorcycle and generating electrical signals to perform a Boolean operation to activate a raiser motor for automatically adjusting the position of the helmet windshield. In fact, Fisk teaches away from the present invention because Fisk discloses a manually operated switch located on the vehicle, which transmits a signal to the receiver located on the protective helmet for the motored operation of the visor. For at least these reasons, the Applicant respectfully submits that the independent Claim 15 is allowable over the teachings of Fisk.


Rejection of Claim 13 under 35 U.S.C. § 103(a)

Claim 13 is rejected under 35 U.S.C. §103(a) as being unpatentable over Fisk in view of U.S. Patent No. 6,877,169 to Acquaviva (hereinafter "Acquaviva"). The Applicant respectfully traverses this rejection. Claim 13 depends from the independent Claim 10. As discussed above, the independent Claim 10 is allowable over the teachings of Fisk. Accordingly, Claims 13 is also allowable as being dependent upon an allowable base claim.

For the reasons given above, the Applicant respectfully submits that the pending Claims are in a condition for allowance, and allowance at an early date would be appreciated. If the Examiner has any questions or comments, he is encouraged to call the undersigned at (408) 530-9700 so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
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Dated: 9-13-05

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CERTIFICATE OF MAILING (37 CFR § 1.8(a))

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